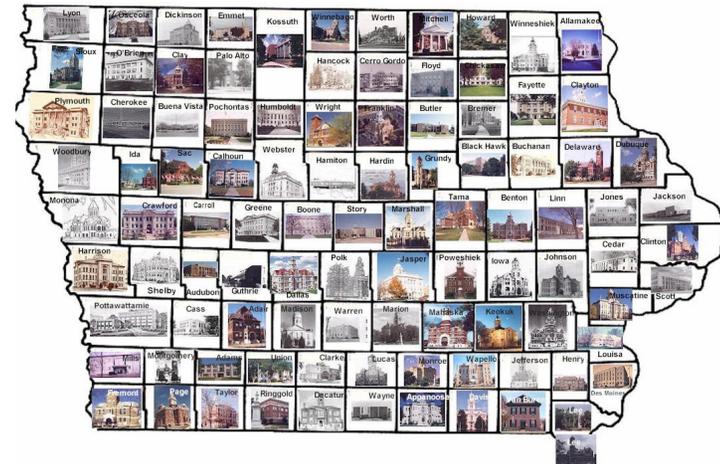




# IOWA LAND RECORDS

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**Identity Theft Prevention  
Study Committee  
December 2, 2008**





# **Iowa Land Records**

## **A Brief History**



## ◆ ILR – A Brief History

- » Origin of CLRIS – 2003
  - ◆ How ILR Was Created
- » 2005 Launch and Controversy
  - ◆ Polk County, Audits
  - ◆ Fund 255, 823 and Treasury Management
  - ◆ Governance – 28E
- » 2006 – E-Submission System Completed
- » 2007 – Transition From Development to Maintenance
  - ◆ Sustainability - Budget
  - ◆ Future Improvements
- » Sale of Bulk Data
  - ◆ Current Practices
  - ◆ Alternative Delivery To Heavy users



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**◆ The Purpose of the County Land Record Information System is to ...**

- Create a Statewide Land Record Indexing and Imaging Database**
- Make Land Record Information Accessible through the Internet**
- Enable Electronic Submission of Documents for Recording**



### **◆ Status – Through September 2, 2008**

- The Iowa Land Records Portal has been completed**
- All Counties Connected and Uploading Data**
- 36,000+ Registered Users**
- 10,000,000+ Document Records**
- Centralized Hosting, Customer Service and Accounting**
- Now Version 2.14**



### **◆ Iowa Experience**

- Early E-Submissions (2007)**
  - » Few Banks and Law Firms**
- Now (2008)**
  - » Third Party Submitters**
  - » 2500 Electronic Recordings Per Month**
  - » Nearly 32,000 Electronic Records Since 2007**
  - » \$1,000,000.00 in Recording Fees and Transfer Taxes Paid Electronically**
  - » All Counties (Except Hamilton, Pottawattamie and Black Hawk)**



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# **Iowa Land Records**

## **Privacy Issues**

### **A Brief Review**



## ◆ **The Recorder's Index**

- **Public Notice of Real Estate Transactions**
  - » **Protect Property Rights and Prevent Fraud**
- **Key Index Information**
  - » **Document Reference Numbers**
  - » **Date of Recording (Order Matters)**
  - » **Names of Persons and Organizations in Real Estate Transactions**
  - » **Legal Description**
  - » **Document Type**
  - » **Associated Document References**
- **Other Information**
  - » **Document Images**

# ILR Portal



# ILR Portal





## ◆ **The Recorder's Index**

### **– Information NOT Indexed**

- » **Street Address**
- » **Social Security Numbers**
- » **Account Numbers**
- » **Birth Dates**

### **– Document Images**

- » **May Include Other Information If Not Redacted**
- » **Recorders Do Not Edit Original Documents**
- » **Recorders “Record” The Documents Presented**
- » **Public Records Under Section 22.2 (Iowa Code)**



- 
- Foundation of Initial ILR Privacy Policies**
    - ◆ **Public Records Custodians**
    - ◆ **Role of Preserving and Providing Access**
    - ◆ **Practice of Local Access and Bulk Sales**
    - ◆ **Legislation Directing Free Access**
    - ◆ **Capacity For Individual Redaction**
  
  - Changes In ILR Privacy Policies and Circumstances**
    - ◆ **Ombudsman Concerns Re: Tax Liens**
    - ◆ **2002 SSN Legislation**
    - ◆ **2005 ILR Became a Public 28E (ILR records became public)**
    - ◆ **2006 Redaction RFI**
    - ◆ **Actions to Upload Pre-2004 Indexes and Images**
    - ◆ **2007 Personal Information Legislation**



## ◆ **Data Tree Agreement**

- **First American/Data Tree Had Access To the Records**
  - » **Public Records Access - Similar To Local Practices**
- **Data Tree High Usage of ILR Search Tools**
- **Discussion of Alternative “Bulk” Delivery**
- **Draft Agreement Prepared**
- **Action Deferred Pending Legislative Review**
- **Fees Would Be Primarily Distributed To Counties**
- **Model For Other State or Local Organizations**
  - » **Intent To Make Available On Same Basis**
- **If Recorders Shouldn't Provide Electronic Access to Data Tree, Then We Probably Shouldn't sell CDs or Data Files To Other Companies Either**



## ◆ **Recent Privacy Concerns**

- **Focus On Social Security Numbers**
  - » **Concerns About Other Information**
    - ◆ **Account Numbers**
    - ◆ **Real Estate Records are “Public Records”**
  - » **Iowa Code Sections 331.607 and 22.2**
- **The “Preparer” Determines the Content of the Records**
- **Since 2002 Social Security Numbers Prohibited – Expanded in 2007 To Include Account Numbers**
  - » **Liens Exempt From Prohibition**



## ◆ **Recent Privacy Concerns**

- No Known Cases of Fraud or Identity Theft**
- Precautions Included:**
  - » Images of State and Federal Tax Liens Restricted**
  - » User Registration**
  - » No Private Information Included In Index Data**
  - » Individual County Redaction Policies**
  - » ILR Redaction Upon Request Consistent With 2007 Law**
  - » All Real Estate Documents are Public Records Accessible in Any Courthouse – under the law - people have a right to examine, copy, publish or otherwise disseminate those records**



## ◆ **Post Labor Day Events**

- **Notified of Social Security Number Concerns 9.2.08**
- **Identified Documents and Followed Redaction Policy**
- **Responded to Media Inquiries**
- **Communicated with Governor's Office**
- **Temporarily Restricted Access To Mortgages and UCC documents (in addition to liens)**
- **Became Aware of Redacted Document Circumvention**
- **Disconnected Image Repository 9.9.08**



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# **Iowa Land Records**

## **Current Status & Options**



## ◆ Iowa Land Records Current Status

- The ILR E-Submission Service is Fully Operational
- Due To Recent Privacy Concerns - Image Repository Is Disconnected Until Further Notice
- Land Record Index Search Is Working
  - » Updates Since September 9 Were Disrupted – but are now operating
- For Now – Records Examination Occurs at the Courthouse
  - » Personal Information Still Accessible
  - » Anyone May Request “Certified Copy”



## ◆ **Next Steps**

- **Image Redaction Request for Proposals**
  - » **Request For Information Published 9.26.08**
  - » **Redaction Project Assumptions and Guidelines Adopted 11.12.08**
  - » **RFP Scheduled for Approval 12.17.08**
  - » **Responses Expected Late January 2009 (Tentative)**



## ◆ Next Steps

### – Preparing Technical Plan

- » New Image Repository (Public and Private)
- » Reconfiguration of Database and Image Handling
- » Integration with Redaction Services
- » Disaster Recovery
- » System Changes Required by ILR and Local Service Providers



## ◆ Next Steps

### – Exploring Legislative Options

- » Stakeholder Meetings on October 8 and November 25
- » Definition of Personally Identifiable Information
  - ◆ SSN and Account Numbers
- » Redaction Requirements – Electronic Documents
  - ◆ Authority to Redact
  - ◆ Preserving Unaltered Records
- » Documents NOT Included
  - ◆ Already Confidential
    - Vital Records
    - Military Discharge Records



## ◆ Next Steps

### – Exploring Legislative Options

- » Open Access to Records In the Recorders Office
- » “Commercially Reasonable” Redaction
  - ◆ Limitation of Liability
- » Authorize Bulk Sale
  - ◆ Redacted Information Only
- » Strengthen CLRIS Enabling Legislation
  - ◆ Policies, Procedures, Standards
  - ◆ Electronic Recording



## ◆ Next Steps

### – Exploring Legislative Options

- » Resources for Redaction and System Changes
  - ◆ Subscription Service and/or Electronic Transaction Fee
  - ◆ No State Appropriation Request
- » Request Draft Study Bill
- » Prepare to Implement Upon Enactment



## ◆ Considerations

### – Cost? High Level Estimates ...

#### » Systematic Redaction

- ◆ Florida \$0.0235 per image. Estimated 35 million images. \$800,000 - \$1,200,000

- ◆ RFP Pending.

#### » Development Work for New Registration Security, Redaction Support, Image Migration

- ◆ ABCV Draft Proposal

  - \$200K-\$250K

#### » New “Clean” Image Repository and Related Activity (New Equipment, Configuration and Image Handling)

- ◆ \$250K



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# Questions and Comments